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9
10 UNITED STATES DISTRICT COURT
11 DISTRICT OF NEVADA

12 FERNANDO GALLEGOS,
13 Petitioner,
14 v.
15 ISIDRO BACA, et al.,
16 Respondents.

Case No. 3:15-cv-00254-RCJ-VPC

**UNOPPOSED MOTION EXTENSION
OF TIME TO FILE OPPOSITION TO
SECOND MOTION TO DISMISS**

(Fourth Request)

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18 COMES NOW the Petitioner, Fernando Gallegos, by and through counsel of
19 record, Jason F. Carr, hereby files this request extension of time to file Reply and
20 Legal Memorandum in Support of his Amended Petition. Gallegos requests an
21 extension of thirty days. The Replay will now be due **May 16, 2020**.

22 This motion is based upon the attached Points and Authorities and all
23 pleadings and papers on file herein.
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POINTS AND AUTHORITIES

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2 1. On February 16, 2017, this Court issued an Order granting Petitioner's
3 Motion for Leave to File a Third Amended Petition. (ECF No. 39.) On May 4, 2017,
4 Petitioner filed his Third Amended Petition. (ECF No. 42).

5 Respondents filed their Answer on November 8, 2019. (ECF No. 69.)

6 2. Petitioner Gallegos request an extension of time until **May 16, 2020**.

7 3. Counsel requests this time because of press of business and the
8 uncertainties caused by the COVID-19 outbreak. Counsel is still having a lot of
9 trouble with remote access and filing. In fact, counsel believed he filed this MFE on
10 April 16, 2020, but the internet connection dropped it before filing.

11 4. Counsel for Respondents do not object to this request for a continuance,
12 however the State requests that counsel for habeas petitioners make clear that
13 nothing about the decision not to oppose Petitioner's extension request signifies an
14 implied finding of a basis for tolling any applicable period of limitations or the waiver
15 of any other procedural defense. Petitioner at all times remains responsible for
16 calculating any limitations periods and understands that, in granting an extension
17 request, the Court makes no finding or representation that the petition, any
18 amendments thereto, and/or any claims contained therein are not subject to dismissal
19 as untimely.

20 5. This motion is not filed for the purpose of delay, but in the interests of
21 justice, as well as in the interest of Mr. Gallegos. Counsel respectfully requests that
22 this Court grant the request for an extension of time to file the Opposition to **May 16,**
23 **2020**, in order for the effective and thorough representation of Mr. Gallegos in his
24 federal habeas action.
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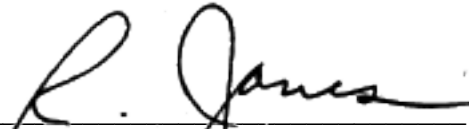
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3 Dated: April 16, 2020.

4 Respectfully submitted,
5 RENE L. VALLADARES
6 Federal Public Defender

7 /s/ Jason F. Carr

8 JASON F. CARR
9 Assistant Federal Public Defender

10 It is hereby **ORDERED** that, good cause appearing herein, that Petitioner
11 Fernando Gallegos' Reply to Respondent's Answer is due on **May 16, 2020**.

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14 
15 ROBERT C. JONES
16 United States District Judge

17 Dated: __ May 14, 2020. ____
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